

MARCELLUS B. JONES,  
(PLAINTIFF),

CIVIL ACTION # 15-CV-0130  
JUDGE GERALD McHUGH

v.

JOHN WETZEL ET AL.  
(DEFENDANT(S)),

## AMENDED COMPLAINT

### I. JURISDICTION & VENUE

- 1 THIS IS A CIVIL ACTION AUTHORIZED BY 42 U.S.C. SECTION 1983, 1985, 1986 & 1997 TO REDRESS THE DEPRIVATION/VIOLATION UNDER COLOR OF STATE LAW, RIGHTS SECURED BY THE CONSTITUTION OF THE UNITED STATES. THE COURT HAS JURISDICTION UNDER 28 U.S.C. SECTION(S) 1331 1343 (a) (3) & 28 U.S.C. § 1407 MULTI-DISTRICT LITIGATION.
- 2 PLAINTIFF SEEKS DECLARATORY RELIEF PURSUANT TO 28 U.S.C. SECTIONS 2201 & 2202. PLAINTIFF'S CLAIMS FOR INJUNCTIVE RELIEF ARE AUTHORIZED UNDER 28 U.S.C. SECTIONS 2283 & 2284 AND RULE # 65 OF THE FED. R. CIV. P.
- 3 IN THE UNITED STATES DISTRICT COURT(S) FOR THE EASTERN & MIDDLE DISTRICTS ARE APPROPRIATE VENUE(S) UNDER 28 U.S.C. § 1407 PANEL ON MULTIDISTRICT LITIGATION 28 U.S.C. SECTION 1391 (b) (2) BECAUSE THEY ARE WHERE EVENTS GIVEN RISE TO THESE CLAIMS OCCURRED.

### II. PLAINTIFF

- 4 MARCELLUS B. JONES, (PLAINTIFF) IS &/OR WAS @ ALL TIMES MENTIONED & RELEVANT HEREIN A PRISONER OF THE STATE OF PENNSYLVANIA IN THE CUSTODY OF THE PENNSYLVANIA DEPARTMENT OF CORRECTIONS. HE IS CURRENTLY CONFINED IN THE STATE CORRECTIONAL INSTITUTION @ RETREAT (SOCI-RET), IN LUZERNE COUNTY PA.

### III. DEFENDANTS

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5. JOHN WETZEL (DEFENDANT) is the SECRETARY OF THE PENNSYLVANIA DEPARTMENT OF CORRECTIONS (PaD.O.C). HE IS RESPONSIBLE FOR THE OVERALL OVERSIGHT, OPERATION & ADMINISTRATION OF THE COMMONWEALTH'S CORRECTIONAL SYSTEM. HE RECEIVES REGULAR REPORTS REGARDING ALL PRISONS IN THE STATE & HAS BEEN ADVISED OF CONSTITUTIONAL VIOLATIONS BEING IMPLEMENTED STATEWIDE. DEFENDANT/TORT FEASOR WETZEL HAS USED HIS EXCLUSIVE AUTHORITY TO AUTHORIZE, CONSENT &/OR ENFORCE PROCEDURES, POLICIES, RULES & MANDATES THAT BADLY TRESPASSES PRISONERS CONSTITUTIONAL RIGHTS.
6. DEFENDANT/TORT FEASOR, JOSEPH "FULGINITI", IS & WAS @ ALL TIMES MENTIONED HEREIN A LAWYER IN THE PaD.O.C'S OFFICE OF CHIEF COUNSEL AS SUCH FULGINITI HAD FIRST-HAND EXCLUSIVE KNOWLEDGE/INSIGHT OF HOW, WHAT, WHY & WHICH POLICIES, CUSTOMS, PROCEDURES & PRACTICES VIOLATES PRISONERS CONSTITUTIONAL RIGHTS. THEREFORE FULGINITI WAS A LITIGANT & HAD ACTUAL NOTICE OF THE FACT THAT THE PaD.O.C WAS USING CUSTOMS, PROCEDURES & PRACTICES THAT VIOLATED THE CONSTITUTIONAL RIGHTS OF PRISONERS. YET, HE ACTED WITH EXTREME DELIBERATE INDIFFERENCE BY ALLOWING SAID VIOLATIONS TO CONTINUE.
7. DEFENDANT/TORT FEASOR "ROBIN" LEWIS, IS & WAS @ ALL TIMES MENTIONED HEREIN A CHIEF HEARING EXAMINER FOR THE PaD.O.C AS SUCH LEWIS - WHO IS AN ATTORNEY - HAS SUPERVISORY/EXCLUSIVE AUTHORITY/OVERSIGHT ABILITIES TO ENSURE THAT PRISONERS RIGHTS UNDER THE UNITED STATES CONSTITUTION ARE NOT VIOLATED WHEN THEY PARTICIPATE IN PaD.O.C MISCONDUCT HEARINGS.
8. DEFENDANT/TORT FEASOR "TABB" BICKELL, IS PRESENTLY EMPLOYED WITH THE PaD.O.C AS THE CENTRAL REGIONAL DEPUTY SECRETARY. HE IS RESPONSIBLE FOR SUPERVISING STATE CORRECTIONAL FACILITIES IN THE CENTRAL REGION. HOWEVER, BICKELL'S PAST EMPLOYMENT WITHIN THE PaD.O.C WAS AS A SUPERINTENDANT OF S.C.I - HUNTINGDON.
9. DEFENDANT/TORT FEASOR "MICHAEL" WENGEROWICZ, IS PRESENTLY EMPLOYED WITH THE PaD.O.C AS THE EASTERN REGION'S DEPUTY SECRETARY. HE IS RESPONSIBLE FOR SUPERVISING STATE CORRECTIONAL FACILITIES IN THE EASTERN REGION. HOWEVER, WENGEROWICZ'S PAST EMPLOYMENT WITHIN THE PaD.O.C WAS AS A SUPERINTENDANT OF S.C.I - GAITHERFORD.
10. DEFENDANT/TORT FEASOR MARY "CARINO" WAS EMPLOYED @ ALL TIMES MENTIONED &/OR RELEVANT HEREIN A PaD.O.C MISCONDUCT HEARING EXAMINER @ S.C.I - GAITHERFORD.

11. DEFENDANT/TORT FEASOR: AMY "LIMES", IS @ ALL TIMES MENTIONED & RELEVANT HEREIN A PADDOC MISCONDUCT HEARING EXAMINER @ S.C.I. HUNTINGDON & S.C.I. SMITHFIELD
12. DEFENDANT/TORT FEASOR: ROBERT "RICH", IS @ ALL TIMES MENTIONED & RELEVANT HEREIN A MISCONDUCT HEARING EXAMINER ("H.OEX") @ S.C.I. - RETREAT
13. DEFENDANT/TORT FEASOR: SHARON "LOUIS", WAS EMPLOYED @ ALL TIMES MENTIONED & RELEVANT HEREIN PADDOC MISCONDUCT HEARING EXAMINER (H.OEX) @ S.C.I. - MAHANNOY
14. DEFENDANT/TORT FEASOR: CHARLES "MCCOY", IS &/OR WAS @ ALL TIMES MENTIONED & RELEVANT HEREIN A CORRECTIONS OFFICER WITH THE RANK OF LEVEL-~~3~~3 @ S.C.I. - HUNTINGDON
15. DEFENDANT/TORT FEASOR: KENNETH "BOAL", IS &/OR WAS @ ALL TIMES MENTIONED & RELEVANT HEREIN A CORRECTIONS OFFICER WITH THE RANK OF LEVEL-1 @ S.C.I. - HUNTINGDON
16. DEFENDANT/TORT FEASOR: JOSHUA "BUCHANAN", IS &/OR WAS @ ALL TIMES MENTIONED & RELEVANT HEREIN A CORRECTIONS OFFICER WITH THE RANK OF LEVEL-1 @ S.C.I. - HUNTINGDON
17. DEFENDANT/TORT FEASOR REX "WERTZ" IS &/OR WAS @ ALL TIMES MENTIONED & RELEVANT HEREIN A CORRECTIONS OFFICER WITH THE RANK OF LEVEL-1 @ S.C.I. - HUNTINGDON
18. DEFENDANT/TORT FEASOR JON "REDFERN" IS &/OR WAS @ ALL TIMES MENTIONED & RELEVANT HEREIN A CORRECTIONS OFFICER WITH THE RANK OF LEVEL-1 @ S.C.I. - HUNTINGDON
19. DEFENDANT/TORT FEASOR NOAH "GROVE" IS &/OR WAS @ ALL TIMES MENTIONED & RELEVANT HEREIN A CORRECTIONS OFFICER WITH THE RANK OF LEVEL-1 @ S.C.I. - HUNTINGDON
20. DEFENDANT/TORT FEASOR "MAINELLO" IS &/OR WAS @ ALL TIMES MENTIONED & RELEVANT HEREIN A CORRECTIONS OFFICER WITH THE RANK OF LEVEL-1 @ S.C.I. - HUNTINGDON
21. DEFENDANT/TORT FEASOR "CLOSSING" IS &/OR WAS @ ALL TIMES MENTIONED & RELEVANT HEREIN A CORRECTIONS OFFICER WITH THE RANK OF LEVEL-1 @ S.C.I. - HUNTINGDON
22. DEFENDANT/TORT FEASOR "WILLINGHAM" IS &/OR WAS @ ALL TIMES MENTIONED & RELEVANT HEREIN A CORRECTIONS OFFICER WITH THE RANK OF LEVEL-1 @ S.C.I. - MAHANNOY
23. DEFENDANT/TORT FEASOR "WISNIEFSKY (?)", IS &/OR WAS @ ALL TIMES MENTIONED & RELEVANT HEREIN A CORRECTIONS OFFICER WITH THE RANK OF LEVEL-1 @ S.C.I. - MAHANNOY



24. EACH DEFENDANT IS BEING SUED INDIVIDUALLY & IN HIS OR HER OFFICIAL @ CAPACITY @ ALL TIMES MENTIONED IN THIS COMPLAINT EACH DEFENDANT/TORTFEASOR UNDER COLOR OF STATE LAW

#### IV. COMPLAINT

MARCELLUS B. "JONES" PLAINTIFF HEREBY COMPLAINS AGAINST THE DEFENDANTS/TORTFEASORS CAPTIONED ABOVE:

\* \* \* NOTICE \* \* \*

25. ALL DEFENDANTS/TORTFEASORS MENTIONED FOREGOINGLY - PARAGRAPHS # MEET ANY & ALL SET CRITERIA & DEFINITIONS OF "TORTFEASORS" & "LOCAL AGENCIES" IN ACCORDANCE WITH THE PENNSYLVANIA POLITICAL SUBDIVISION TORT CLAIMS ACT 42 P.S.A. § 8501 ET SEQ. MOREOVER THE DEFENDANTS ARE ALSO LIABLE UNDER PENNSYLVANIA RULES OF CIVIL PROCEDURE # 1007

26. THE DEFENDANTS MENTIONED FOREGOINGLY AS TORTFEASORS MR. JONES AVER'S THAT CLAIMS OF "WILLFUL MISCONDUCT" PURSUANT TO 42 P.S.A. § 8550 ARE CURRENTLY BEING FILED AGAINST EACH OF THE TORTFEASORS IN THEIR "INDIVIDUAL CAPACITIES" THROUGHOUT THIS CIVIL ACTION. AS A RESULT NONE OF THE TORTFEASORS ARE ELIGIBLE TO RECEIVE ANY IMMUNITIES UNDER THE PENNSYLVANIA POLITICAL SUBDIVISION TORT CLAIMS ACT BECAUSE MR. JONES ASSERTS IN THIS COMPLAINT THAT EACH TORTFEASOR WAS MOTIVATED BY ACTUAL MALICE & WILLFUL MISCONDUCT & THAT EACH TORTFEASOR'S ACTIONS EXPLAINED IN VIVID AFTERWARDS HEREIN WERE TAKEN IN ORDER TO BRING ABOUT THE RESULTS & INJURIES DESIRED BY TORTFEASORS (INTENTIONAL TORTS) & (CONVERSION TORTS) THAT FOLLOWED. SEE: ATTACHED 42 P.S.A. § 8550; 42 P.S.A. § 8545; CORNWELL COMPANIES v. BUREAU OF NEW MORGAN 512 F. SUPP. 2D 238 2007 U.S. DIST. LEXIS 39646 & PALMER v. BARTOSH 959 A.2D 508

27. MOREOVER MR. JONES ALSO AVER'S THAT DURING THE INCIDENTS IN WHICH THE TORTFEASORS COMMITTED WILLFUL MISCONDUCT - EXPLAINED BELOW - AGAINST MR. JONES EACH TORTFEASOR WAS ACTING OUTSIDE OF THE OFFICE OR DUTIES OF THE EMPLOYER WHILE PURPORTING TO BE ACTING UNDER COLOR OF LAW & DEPARTMENT OF CORRECTIONS POLICY. ANY LEGAL ASSISTANCE PROVIDED TO THESE TORTFEASORS BY THEIR RESPECTIVE EMPLOYING AGENCIES IS A STATUTORY VIOLATION UNDER THE PENNSYLVANIA POLITICAL SUBDIVISION TORT CLAIMS ACT @ 42 P.S.A. § 8547 LEGAL ASSISTANCE & MAY RISE TO A FUTURE CLAIMS PUNISHABLE BY LAW.

V

# KNOWN ILLEGAL ACTIVITIES OF THE HEARING EXAMINER'S OFFICE

28. THE PENNSYLVANIA DEPARTMENT OF CORRECTIONS IS DELIBERATELY ENGAGING IN STATE & FEDERAL CRIMINAL CODE / STATUTES / LAWS VIOLATIONS
29. 1) FOR THE PAST 20 (TWENTY) YEARS THE FOLLOWING HEARING EXAMINERS <sup>ROBERT RICH</sup> ~~DAVIDAL FARRON~~  
 50C01 - ~~RETREAT~~ ~~WESTERN~~ ~~AKA PITTSBURGH~~ ~~HERBERT CROSS~~ ~~50C01 - FAYETTE~~ MARY CANINO  
 50C01 - GRATERFORD; SHARON LUBUIS 50C01 - MAHANAY; AMY HIMES 50C01 - HUNT & SMITHFIELD  
 & OTHER HEARING EXAMINERS ARE/HAVE BEEN ILLEGALLY HOLDING MISCONDUCT HEARINGS  
 PASSING DOWN SANCTIONS - FINES - CRIMINAL CHARGES - LOSS OF STATUS - CUSTODY  
 LEVELS - PAROLE DENIALS ETC. ETC. WITHOUT THE MANDATORY NOTARY PUBLIC  
COMMISSION & SURETY BOND
30. 2) BY DELIBERATELY & ILLEGALLY PERFORMING NOTARIAL ACTS I.E. ADMINISTERING OATHS  
& AFFIRMATIONS / READING WITNESS TESTIMONY INTO EVIDENCE / TAKING DEPOSITIONS ETC.  
 THESE ARE CLEAR VIOLATIONS OF THE FOLLOWING:  
57 P.S. § 162 - POWER TO ADMINISTER OATHS & AFFIRMATIONS  
42 Pa.C.S. § 3350 - WILLFUL MISCONDUCT  
18 Pa.C.S. § 4911 - TAMPERING WITH PUBLIC RECORDS OR INFORMATION  
18 Pa.C.S. § 4913 - IMPERSONATING A NOTARY PUBLIC OR HOLDER OF A PROFESSIONAL LICENSE  
18 Pa.C.S. § 4904 - UNSWORN FALSIFICATION TO AUTHORITIES
- FURTHERMORE ..... THE STATUTORY LAW @ 57 P.S. § 149 - ELIGIBILITY & 57 P.S. § 168 -  
REJECTION OF APPLICATION REMOVAL ... BUT ALSO SEE ... 57 P.S. § 151(b) WHICH  
 STATES (IN PERTINENT PART) : "(b) FOR ISSUING TO ANY APPLICANT A COMMISSION  
 AS A NOTARY PUBLIC THE SECRETARY OF THE COMMONWEALTH SHALL BE SATISFIED  
 THAT THE APPLICANT IS OF GOOD MORAL CHARACTER (EMPHASIS ADDED)
31. 3) THIS COMPLAINT IS REQUESTING THAT EACH & ALL ILLEGAL MISCONDUCTS THAT WERE  
 EVER ISSUED TO ME BY A HEARING EXAMINER WHO WAS NOT LEGALLY AUTHORIZED  
PURSUANT TO A NOTARY PUBLIC COMMISSION & SURETY BOND BE EXPUNGED FROM MY PRISON FILES
32. 4) THE READER OF THIS TIMELY FILED PRISONER COMPLAINT MUST READ ACT OF 1953 AUG. 21<sup>ST</sup>  
P.L. 1323 & 57 P.S. § 154 NOTARY PUBLIC ACT



33° 5) NONE OF THE HEARING EXAMINERS MENTIONED ABOVE - ESPECIALLY MARY CANINO - EVER RENEWED THEIR NOTARY PUBLIC COMMISSIONS PURSUANT TO 57 P.S. § 152 - APPLICATION FOR REAPPOINTMENT AMENDED BY THE ACT OF 2002 DEC 9TH P.L. 1269# 151 § 4

### 34° ACTUAL CONSTRUCTIVE NOTICE TO UNLDATE FRAUD

- A) A NOTARY PUBLIC CANNOT IMPOSE ANY FORM OF PUNISHMENT OR FINE
- B) A HEARING EXAMINER WITHOUT A NOTARY PUBLIC COMMISSION & INSURANCE BOND CANNOT ADMINISTER AN OATH OR MAKE AN ACKNOWLEDGEMENT IN THE STATE OF PENNSYLVANIA & IF HE/SHE DOES ITS "FRAUD"

35° NOTE: THERE IS SUPPOSED TO BE A NOTARY PUBLIC @ EVERY MISCONDUCT HEARING HELD IN THE PENNSYLVANIA DEPARTMENT OF CORRECTIONS PRISONS IN ORDER TO ADMINISTER AN OATH FROM BOTH THE PRISONER & THE REPORTING CORRECTIONAL OFFICER & SUBJECT ALL EVIDENCE (DC-141) & TESTIMONIES TO PENALTIES OF 18 Pa.C.S. § 4904

"THE CORRECTIONS OFFICERS UNION WILL NOT ALLOW ITS EMPLOYEES TO BE SWORN UNDER OATH & MADE SUBJECT TO PENALTIES OF PERJURY &/OR CRIMINAL PROSECUTION WHEN MAKING FALSE STATEMENTS DURING A MISCONDUCT HEARING THUS PROVIDING CORRECTIONAL OFFICERS A GREEN-LIGHT TO "LIE"

### 36° NOTICE

THE DC-141 MISCONDUCT REPORT IS NEVER SWORN INTO EVIDENCE NOR UNDER OATH AS LONG AS THE DC-141 "i.e. THE REPORTING OFFICERS TESTIMONY" IS NOT SWORN UNDER OATH & MADE SUBJECT TO THE PENALTIES OF PERJURY PURSUANT TO 18 Pa.C.S. § 4904 ALL PRISONERS CURRENTLY HELD IN ANY PENNSYLVANIA DEPARTMENT OF CORRECTIONS PRISON'S RESTRICTED HOUSING UNITS BY THE NAMED HEREIN DEFENDANTS SHOULD BE RELEASED FROM SAID R.H.U STATUS & ALL MISCONDUCTS EXPUNGED FROM THEIR PRISON FILES

### VI° ACKNOWLEDGMENTS

- 37° a) THE INMATE IS THE PERSON NAMED & CHARGED IN A DC-141 MISCONDUCT REPORT;
- 38° b) THE CORRECTIONAL OFFICER IS THE PERSON WHO WRITES THE DC-141 MISCONDUCT REPORT AGAINST AN INMATE

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39° c) THE HEARING EXAMINERS ILLEGALLY ADMINISTER OATHS & AFFIRMATIONS ADMIT EVIDENCE READS WITNESS TESTIMONIES INTO EVIDENCE TAKES THE EVIDENCE & RENDERS A FINDING OF FACTS & GIVES SANCTIONS WITHOUT POSSESSING THE MANDATORY NECESSARY NOTARY COMMISSION & THE SURETY BOND MAKING THE ENTIRE PROCESS ILLEGAL;

40° d) FRAUD CONSIST OF AN INTENTIONAL PERVERSION OF THE TRUTH FOR THE PURPOSES OF INDUCING ANOTHER IN RELIANCE UPON IT TO PART WITH SOME VALUABLE THING BELONGING TO HIM/HER OR SURRENDER A LEGAL RIGHT. A FALSE REPRESENTATION OF A MATTER OF "FACT" WHETHER BY WORDS OR BY CONDUCT, BY FALSE OR MISLEADING ALLEGATIONS, OR BY CONCEALMENT OF THAT WHICH SHOULD HAVE BEEN DISCLOSED, WHICH DECEIVES & IS INTENDED TO DECEIVE ANOTHER SO THAT HE/SHE SHALL ACT UPON IT TO HIS/HER LEGAL INJURY. ANY KIND OF ARTIFICE EMPLOYED BY ONE PERSON TO DECEIVE ANOTHER. ELEMENTS FOR A CAUSE OF ACTION FOR FRAUD INCLUDE: FALSE REPRESENTATION OF A PRESENT OR PAST FACT MADE BY THE DEFENDANTS, ACTION IN RELIANCE THEREUPON BY PLAINTIFF & DAMAGE RESULTING TO PLAINTIFF FROM SUCH MISREPRESENTATION ... BLACK'S LAW DICTIONARY

41° e) CONSTRUCTIVE FRAUD ANY ACT OF COMMISSION OR OMISSION CONTRARY TO "LEGAL" OR EQUITABLE DUTY TRUST OR CONFIDENCE JUSTLY REPOSED WHICH CONTRARY TO GOOD CONSCIENCE & OPERATES TO THE INJURY OF ANOTHER OR AS OTHERWISE DEFINED IT IS AN ACT STATEMENT OR OMISSION WHICH IF GENERALLY PERMITTED WOULD BE PREJUDICIAL TO PUBLIC WELFARE & YET MAY HAVE BEEN UNCONNECTED WITH ANY SELFISH OR EVIL DESIGN.

## VII. LEGAL MAXIM

"VERITAS NIL VERETUR NISI ABSCONDI" - TRUTH FEARS NOTHING BUT CONCEALMENT

"VOLENTI NON FIT INJURIA" - PERSON SILENT DUE TO IMPLIED CONTRACT BECOMES INJURED BY THE START OF PERFORMANCE & PRESUMED LIABILITY OF DUTY THROUGH CONTRACT WITHOUT EXPRESSED CONSENT FROM THE PARTY OR PERSON

"PERVISE ACTIO NON DATUR NON MANUFACTO" - AN ACTION IS NOT GIVEN TO ONE CAN SUE IN THE NAME OF ANOTHER

# NOTARY PUBLIC FEE SCHEDULE

- EXECUTING AFFIDAVITS . . . . . (NO MATTER HOW MANY SIGNATURES) . . . , \$ 5.00
- EXECUTING ACKNOWLEDGMENTS . . . . . \$ 5.00
- IN EXECUTING ACKNOWLEDGMENTS EACH ADDITIONAL NAME . . . . . \$ 2.00
- EXECUTING CERTIFICATES . . . . . (PER CERTIFIED COPY) . . . . \$ 5.00
- ADMINISTERING OATHS . . . . . (PER INDIVIDUAL TAKING AN OATH) . . . . \$ 5.00
- TAKING DEPOSITIONS . . . . . (PER PAGE) . . . . \$ 3.00
- EXECUTING VERIFICATIONS . . . . . \$ 5.00
- EXECUTING PROTEST . . . . . \$ 3.00 (PER PAGE)

42° NOTE: THIS IS ONE OF THE MAIN REASONS THE NAMED HEREIN DEFENDANTS ARE DELIBERATELY COMMITTING STATE & FEDERAL CRIMINAL CODE VIOLATIONS

43° b) 57 P.S. § 154 "OATH OF OFFICE BOND REQUIREMENT":  
 EVERY NOTARY PUBLIC SHALL TAKE & SUBSCRIBE TO THE "OATH OF OFFICE" & SHALL GIVE A SURETY BOND PAYABLE TO THE COMMONWEALTH OF PENNSYLVANIA IN THE AMOUNT OF "TEN THOUSAND DOLLARS" \$ 10,000 WHICH BOND SHALL AFTER BEING RECORDED BE APPROVED BY & FILED WITH THE "SECRETARY OF THE COMMONWEALTH".

44° THE COMMISSION OF ANY NOTARY HERE AFTER APPOINTED WHO SHALL FOR FORTY FIVE (45) DAYS AFTER THE BEGINING OF THE TERM NEGLECT TO GIVE A BOND & CAUSE THE BOND & THE COMMISSION & OATH TO BE RECORDED AS ABOVE DIRECTED SHALL BE NULL & VOID.

7) 57 P.S. § 155 REGISTRATION OF NOTARY'S SIGNATURE FEE:  
 1 Pa. R.S. § 2301 (c) . . . . . SEE . . . . . § 9 (b) (2) OF ACT 1978 OCT. 4<sup>TH</sup> P.L. 909<sup>#</sup> 173

45° a) THE OFFICIAL SIGNATURE OF EACH NOTARY PUBLIC SHALL BE REGISTERED IN THE "NOTARY REGISTER" PROVIDED FOR SUCH PURPOSE IN THE PROTHONOTARY'S OFFICE (45) DAYS AFTER APPOINTMENT OR "REAPPOINTMENT" & IN ANY COUNTY TO WHICH THE NOTARY MAY SUBSEQUENTLY MOVE THE NOTARY WITHIN THIRTY (30) DAYS THEREAFTER IN COUNTIES OF THE SECOND CLASS SUCH SIGNATURE SHALL ALSO BE REGISTERED IN THE CLERK OF COURTS OFFICE WITHIN SAID PERIOD.



IX HISTORY

46° ACT 1953-373 P.L. 1223 § 8 APPROVED AUGUST 21<sup>ST</sup> 1953 EFFECTIVE SEPTEMBER 1<sup>ST</sup> 1953  
 ACT-2002-151 (H.B. 851) P.L. 12~~23~~ § 4 APPROVED DECEMBER 9<sup>TH</sup> 2002 EFFECTIVE JULY 1<sup>ST</sup> 2003

8) 57 P.S. § 162 "POWER TO ADMINISTER OATHS & AFFIRMATIONS"

47° a) NOTARY SHALL HAVE POWER TO ADMINISTER "OATHS & AFFIRMATIONS, CERTIFY COPIES & TAKE DEPOSITIONS AFFIDAVITS VERIFICATIONS UPON OATH OR AFFIRMATIONS" ACCORDING TO LAW IN ALL MATTERS "INCIDENTAL TO THE EXERCISE OF THEIR NOTARIAL OFFICE"

48° (b) ANY PERSON WHO SHALL BE "CONVICTED OF WILLFULLY & KNOWINGLY MADE OR TAKEN A "FALSE OATH" "AFFIRMATION" "DEPOSITION" "AFFIDAVIT" "CERTIFICATION" OR "ACKNOWLEDGMENT" BEFORE ANY NOTARY IN ANY MATTER WITHIN THEIR OFFICIAL DUTIES SHALL BE "GUILTY" OF "PERJURY" & SHALL BE SUBJECT TO PENALTIES SET FORTH IN 18 P.A.C.S. § 4902 (RELATING TO PERJURY)

49° ○○○○○○ SEE PENDING STATE CIVIL LAWSUITS "NEAL L. PATON V. MARY CANINO & PATRICK CURRAN" CIVIL ACTION # 2012-06891 & "WILLIAM CURTIS VS. MARY CANINO" CIVIL ACTION # 09-12782 ○○○○○○

X BACKGROUND

50° MR. JONES HAS FILED THIS LAWSUIT TO STOP Pa.D.O.C. ADMINISTRATORS FROM VIOLATING HIS RIGHTS UNDER THE FIRST EIGHTH & FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION THE DEFENDANTS/TORT FEASORS HAVE KNOWINGLY ENGAGED A POLICY TO ARBITRARY MALICIOUSLY INTENTIONALLY & DELIBERATELY DENY MR. JONES HIS RIGHTS TO FAIR UNBIASED & IMPARTIAL MISCONDUCT/DISCIPLINARY HEARINGS

51° DEFENDANT/TORT FEASOR JOHN WETZEL HAS ISSUED A ALL ENCOMPASSING MANDATE THAT NO PRISONER CAN CHALLENGE THE UNLAWFUL/ILLEGAL NATURE OF THE MISCONDUCT/DISCIPLINARY PROCESS EVEN THOUGH HE IS FULLY AWARE THAT THE MISCONDUCT/DISCIPLINARY PROCESS THROUGH OUT THE Pa.D.O.C ARE ILLEGAL MR. JONES HAS BEEN A REPEATED VICTIM OF THESE UNLAWFUL/ILLEGAL MISCONDUCT/DISCIPLINARY HEARINGS ON MORE THAN THE FOLLOWING OCCASIONS:

60° MAR. 11, 2013; APR. 3, 2013; JUNE 13, 2013; OCT. 23, 2013; AUG. 26, 2014;  
 NOV. 7, 2014; & DEC. 6, 2014

600

DOE TO THE ILLEGAL PRACTICES THAT WERE WELL DOCUMENTED IN THE UNITED STATES DEPARTMENT OF JUSTICE'S SCATHING REPORT ON PATO'C'S R.H.U. IT IS CLEARLY THE CASE THAT MR. JONES HAS BEEN A VICTIM OF THESE INHUMANE CONDITIONS & HAS SUFFERED WORSENERED MENTAL - E.G. TWO(2) HOSPITALIZATIONS IN LESS THAN THIRTY(30) DAYS FOR ATTEMPTED SUICIDE - & PHYSICAL HEALTH STATES BECAME AFTER HE WAS SUBJECTED TO THESE ILLEGAL/UNLAWFUL MISCONDUCT/DISCIPLINARY PROCESS. HE WAS PLACED INTO THE RESTRICTED HOUSING UNIT ("R.H.U.") WITH NO CHANCE TO REMEDY THROUGH AN APPEALS PROCESS THE ILLEGAL/UNCONSTITUTIONAL/PREJUDICED SANCTIONS THAT WERE IMPOSED AGAINST HIM

620 MR. JONES HAS BEEN CONFINED IN THE R.H.U. FOR 6(SIX) YEARS NOW & HAS NOT HAD ANY ACCESS TO SOCIAL REHABILITATIVE EDUCATIONAL RELIGIOUS NOR THERAPEUTIC PROGRAMS NEITHER HAS HE BEEN ALLOWED TO WORK IN THE LAST 6(SIX) YEARS MR. JONES HAS BEEN DIAGNOSED WITH 'PHYSICAL ILLNESS' RESULTING FROM &/OR EXACERBATED BY PROLONGED R.H.U. CONFINEMENT UNDER - INTER ALIA - CRUEL & UNUSUAL CONDITIONS

630 THROUGH THE DEFENDANTS/TORT FEASORS ILLEGAL MISCONDUCT HEARINGS MR. JONES HAS BEEN SANCTIONED TO OVER 30 (THIRTY) YEARS OF CONFINEMENT IN THE R.H.U. FOR FALSE ERRONEOUS & FRAUDULENT MISCONDUCTS MR. JONES' R.H.U. CONFINEMENT HAS DEPRIVED HIM CONTACT WITH FAMILY DENIALS OF MEALS EXERCISE & SHOWERS HE HAS NOT BEEN ABLE TO MAKE ANY PERSONAL OR LEGAL PHONE CALLS IN THE PAST 6(SIX) YEARS - EVEN THOUGH HE WAS THE SUBJECT OF OVER 6(SIX) PENDING CASES IN VARIOUS COURTS

640 DEFENDANT/TORT FEASOR JOHN WETZEL HAS BEEN GIVEN MULTIPLE NOTICES THAT THE CURRENT CUSTOM/PRACTICE/PROCEDURES FOR PRISONER MISCONDUCT/DISCIPLINARY HEARINGS ARE UNCONSTITUTIONAL THESE NOTIFICATIONS WERE NOT ONLY MADE BY MR. JONES @ HIS VIDEO RECORDED MISCONDUCT HEARINGS - WHERE MR. JONES WAS DENIED THE CHANCE TO ATTEND/PARTICIPATE IN THE MISCONDUCT/DISCIPLINARY PROCESS BECAUSE MR. JONES INDICATED IT IS RIGHT TO BE SWORN INTO THE HEARING BY SOMEONE WITH VALID CREDENTIALS TO TAKE SWORN TESTIMONY - ALSO SEE THE ATTACHED COURT ORDER FROM COURT OF COMMON PLEAS JUDGE DEL RICE

650 IT IS INTERESTING TO NOTE THAT DEFENDANT/TORT FEASOR JOHN WETZEL AFTER BEING GIVEN MULTIPLE ACTUAL NOTICES WETZEL ISSUED A RETALIATORY POLICY @ DC APR 801 WHICH DENIES PRISONERS WITHIN THE PATO'C ANY RECOURSE TO CHALLENGE THE FAIRNESS PARTIALITY &/OR PREJUDICE @ THEIR MISCONDUCT/DISCIPLINARY HEARING

660 IT IS CLEARLY THE CASE THAT ALL OF THE OTHER DEFENDANTS/TORT FEASORS NAMED IN THIS COMPLAINT - ESPECIALLY JOSEPH FULGINITI - GAVE FULL/DETAILED REPORTS TO WETZEL THAT BEEN THE CASE ALL OF THESE DEFENDANTS/TORT FEASORS NAMED HEREIN ENTERED INTO AN AGREEMENT TO CARRY OUT THE ILLEGAL/UNLAWFUL MISCONDUCT/DISCIPLINARY HEARINGS

X10 FACTSDENIAL OF ANY & ALL DUE PROCESS

- 67° WHILE CONFINED @ 3001-HUNT MR° JONES WAS ISSUED OVER 50 (FIFTY) MISCONDUCT REPORTS THRU OUT 2013.
- 68° FROM JULY 2013 UNTIL JAN° 2014 MR° JONES WAS NOT ALLOWED TO ATTEND ANY OF THE SCHEDULED MISCONDUCT/DISCIPLINARY HEARINGS DEFENDANTS/TORT FEASORS ANY HINES ROBIN LEWIS BRIAN YOHAN & KEITH KYLE ENTERED INTO AGREEMENT NOT TO LET MR° JONES ATTEND &/OR PARTICIPATE IN AT LEAST 40 (FORTY) MISCONDUCT/DISCIPLINARY HEARINGS THAT WERE SCHEDULED DURING THIS PERIOD.
- 69° AFTER A PRISONER IS "REPORTED" TO HAVE REFUSED TO ATTEND A SCHEDULED MISCONDUCT HEARING PA D O C POLICY DC ADM 801 STRICTLY FORBIDS PRISONERS ANY OPPORTUNITY TO APPEAL THE RESULTS OF THE MISCONDUCT HEARING WHETHER SAID REPORT OF REFUSAL IS FABRICATED OR NOT.
- 70° EVEN THOUGH MR° JONES WAS REPORTED AS REFUSING TO ATTEND OVER 40 (FORTY) MISCONDUCT/DISCIPLINARY HEARINGS MR° JONES STILL FILLED 40 (FORTY) PLUS MISCONDUCT APPEALS/NOTIFICATIONS/GRIEVANCES-COMPLAINTS TO DEFENDANTS/TORT FEASORS TABB BICKELL & ROBIN LEWIS EXPLAIN IN DETAIL HOW HE WAS BEING REPEATEDLY REFUSED THE OPPORTUNITY TO ATTEND HIS SCHEDULED MISCONDUCT HEARINGS ALL OF MR° JONES APPEAL/NOTICES/COMPLAINTS WERE DENIED BY DEFENDANTS/TORT FEASORS BICKELL & LEWIS.
- 71° ON OCT° 15, 2013 MR° JONES' LEGAL DOCUMENTS WERE TAKEN FROM HIS CELL 6D 1012-AS HE ATTENDED A MISCONDUCT/DISCIPLINARY HEARING CONDUCTED BY DEFENDANT/TORT FEASOR AMY HINES PRIOR TO STARTING THE MISCONDUCT HEARING HINES RECEIVED A PHONE CALL FROM CHARLES MCCOY AFTER THE MISCONDUCT HEARING WAS OVER HINES WOULD NOT ALLOW MR° JONES TO LEAVE THE HEARING ROOM BECAUSE OF HINES' REFUSAL TO LET HIM LEAVE MR° JONES ASKED HER "WHY ARE YOU STALLING" TO WHICH HINES REPLIED "YOU'LL WAIT UNTIL THEY'RE GONE & PERSONALLY I HOPE THEY TRASH ALL OF YOUR SNITCH PAPERWORK" MR° JONES WAS HELD IN THE HEARING ROOM FOR 30-45 ADDITIONAL MINUTES & WHEN HE FINALLY RETURNED TO 6D 1012 CELL HIS LEGAL WORK ETC ETC WITNESS AFFIDAVITS INTER ALIA WERE GONE & HE SUFFERED ACTUAL INJURIES IN REFERENCE TO 3:12-CV-0487 & 4:13-CV-1400.



72° MR. JONES WAS TOLD BY VARIOUS PRISONERS IN THE CELLS ADJACENT TO GD 1012 THAT SIX C.O.'S: BOAL, MALLERY, REDFERN, GROVE, WERTZ & CLOSSING WERE LEAD BY LIEUTENANT CHARLES M'LOY AS THEY RANSACKED MR. JONES' CELL MR. JONES THEN SPOKE TO CHARLES M'LOY WHO SAID "ME & MY GUYS RAIDED YOUR CELL NEXT TIME DON'T LEAVE THOSE NUTCH LETTERS & AFFIDAVITS JUST LYING AROUND".

73° @ NO TIME DID ARMY HIMES POSSESS A NOTARY COMMISSION AS MANDATED PENNSYLVANIA LAW IN ORDER TO ADMINISTER OATHS & AFFIRMATIONS HOWEVER HIMES SWORE MR. JONES INTO THE MISCONDUCT/DISCIPLINARY PROCEEDINGS & ISSUED MR. JONES SANCTIONS.

74° ON AUG. 26, 2014, MARY CANINO CONDUCTED MR. JONES' MISCONDUCT/DISCIPLINARY HEARING & PERFORMED THE NOTARIAL ACTS OF SWEARING MR. JONES INTO A TRIBUNAL UNDER OATH OR AFFIRMATION SWEARING MR. JONES' TESTIMONY INTO THE RECORDS OF A TRIBUNAL AS EVIDENCE MR. JONES' MISCONDUCT HEARINGS WERE NUMEROUS & WHILE @ 900 + COATERFORD CANINO PRESIDED OVER ALL OF THEM ON THESE DATES ALSO AUG. 8 & OCT. 10 OF 2014 INTER ALIA THE MISCONDUCT HEARINGS ATTENDED BY MR. JONES BEFORE CANINO WERE HELD UNDER THE PRESUMPTION THAT CANINO POSSESSED THE LAWFULLY-REQUIRED NOTARY PUBLIC COMMISSION TO PERFORM THE NOTARIAL ACTS OF "ADMINISTERING OATHS & AFFIRMATIONS" HOWEVER CANINO DID NOT POSSESS THE REQUIRED NOTARY PUBLIC COMMISSION WHICH IS REQUIRED TO PERFORM NOTARIAL ACTS RESULTING IN VIOLATION(S) OF NUMEROUS GENERAL ASSEMBLY ACTS OF LEGISLATION OF PENNSYLVANIA INCLUDING NUMEROUS CRIMINAL OFFENSES AS WELL AS THE PERPETRATION OF INTENTIONAL TORT/WILFUL MISCONDUCT & NUMEROUS CONSTITUTIONAL RIGHTS VIOLATIONS.

75° AS A RESULT OF THE MISCONDUCT/DISCIPLINARY HEARINGS WHICH WERE CONDUCTED PURSUANT TO CANINO'S ILLEGAL ACTIVITY (DESCRIBED FOREGOINGLY) MR. JONES WAS FORCED TO SERVE MORE DISCIPLINARY SANCTION TIME IN LEVEL-5 SOLITARY CONFINEMENT.

\* \* \* NOTICE \* \* \*

76° ON AUG. 29, 2014, A "NOTARY COMMISSION SEARCH" WAS CONDUCTED VIA ELECTRONIC COMMUNICATIONS AS A RESULT OF THE "NOTARY COMMISSION SEARCH" IT WAS ASCERTAINED THAT CANINO'S NOTARY COMMISSION I.D. NUMBER WAS #1022704 WHICH HAS BEEN EXPIRED

SINCE MARCH 9 1998 & WAS NEVER RENEWED !!!...

77° ON THESE DATES AS WELL OCT. 23, 2013; NOV. 7, 2014 & DEC. 16, 2014, CANINO AGAIN CONDUCTED THE MISCONDUCT HEARING OF MR. JONES & PERFORMED THE NOTARIAL ACTS OF SWEARING MR. JONES INTO A TRIBUNAL UNDER OATH OR AFFIRMATION SWEARING MR. JONES' TESTIMONY INTO THE RECORDS OF A TRIBUNAL AS EVIDENCE. CANINO STILL HAD/WAS NOT IN POSSESSION OF A NOTARY COMMISSION YET, SHE CHOSE TO CONTINUOUSLY PERFORM THE NOTARIAL ACTS IN DELIBERATE VIOLATION OF THE NOTARIAL PUBLIC LAW OF 1953 AS AMENDED WITH THE ACT OF 2002 DECEMBER 9 P.L. 1269 #15134 & AS CODIFIED @ 57 P.S. § 162 POWER TO ADMINISTER OATHS & AFFIRMATIONS RESULTING IN THE PERPETRATION OF WILLFUL MISCONDUCT / INTENTIONAL TORT NUMEROUS CRIMINAL OFFENSES & NUMEROUS VIOLATIONS OF MR. JONES' CONSTITUTIONAL RIGHTS. DURING THESE MISCONDUCT HEARINGS (MENTIONED ABOVE) MR. JONES ASKED CANINO IF SHE HAD ANY NOTARY PUBLIC COMMISSION TO PERFORM THE NOTARIAL ACTS OF ADMINISTERING OATHS OR AFFIRMATION IN ORDER TO HAVE MR. JONES' TESTIMONY SWORN TO THE RECORD OF THE MISCONDUCT HEARING / TRIBUNAL. CANINO IMMEDIATELY BECAME HOSTILE & BELLIGERENT WITH MR. JONES & ORDERED THAT MR. JONES BE REMOVED FROM THE MISCONDUCT HEARING. CANINO THEN SANCTIONED MR. JONES TO ADDED SOLITARY CONFINEMENT IN LEVEL-5 RESTRICTED HOUSING UNIT - "R.H.U.".

78° ON THESE DATES MAY 22, 2014; AUG. 6, 2014; AUG. 14, 2014; AUG. 27, 2014; & SEPT. 10, 2014 - INTER ALIA - MR. JONES ATTENDED MISCONDUCT / DISCIPLINARY HEARINGS BEFORE SGT. MAHANY HEARING EXAMINER ("H. EX.") SHARON LUGUIS. DURING EACH OF THE ABOVE HEARINGS MR. JONES TRIED TO INVOKE HIS RIGHT TO HAVE PROPERLY CREDENTIALLED H. EX. ADMINISTER HIS OATH OR AFFIRMATION EVERY TIME. LUGUIS DENIED MR. JONES THIS RIGHT & ORDERED THAT HE BE REMOVED & THAT HIS HEARING BE CONDUCTED & THAT HE BE SANCTIONED IN ABSENTIA.

\* \* \* NOTICE \* \* \*

79° @ NO TIME DURING THE FOREGOING MISCONDUCT / DISCIPLINARY HEARINGS DID DEFENDANT / TORT FEASOR LUGUIS POSSESS A VALID NOTARY COMMISSION WITH WHICH TO SWEAR MR. JONES' TESTIMONIES INTO EVIDENCE @ SAID MISCONDUCT / DISCIPLINARY HEARINGS.



- 80° ON VARIOUS INCLUDING BUT NOT LIMITED TO SEPT. 23, 2014, OCT. 1, 2014, OCT. 23, 2014, NOV. 13, 2014, NOV. 24, 2014, JAN. 16, 2015, FEB. 6, 2015 & FEB. 12, 2015
- 81° ON THE FOREGOING DATES - INTER ALIA - MR. JONES WAS REFUSED THE OPPORTUNITY TO PARTICIPATE &/OR ATTEND ALL OF THE MISCONDUCT HEARINGS BEFORE H.E. LUQUIS & HER SUBORDINATE ESCORT STAFF - OFFICERS - WISHNEFSKY & WILLINGHAM ON THE ABOVE DATES - & MANY OTHERS - NO SGT. MAHONEY ESCORT OFFICERS TOLD MR. JONES THAT HE WAS SCHEDULED TO ATTEND A MISCONDUCT HEARING OR IF HE DID NOT WANT TO ATTEND THE MISCONDUCT HEARINGS HE NEEDED TO SIGN A DC-141 PART 2-D WAIVER FORM WITHOUT BEING GIVEN ANY NOTICE THAT MISCONDUCT HEARINGS WERE SCHEDULED &/OR TAKING PLACE MR. JONES WAS DENIED THE RIGHT UNDER UNITED STATES CONSTITUTION TO PRESENT EVIDENCE ESTABLISHING THAT NO P.D.C. RULES VIOLATION WAS EVER COMMITTED BY HIM HOWEVER, MR. JONES WAS CONSTANTLY FOUND GUILTY IN ABSENTIA & SANCTIONED BY H.E. LUQUIS EVEN THOUGH SHE STILL DID NOT HAVE A VALID NOTARY LICENSE
- 82° CLEARLY, DEFENDANT/TORT FEASOR LUQUIS THRU ILLEGAL/DE FACTO "MISCONDUCT HEARINGS" WITH HER SUBORDINATE SGT. MAHONEY ESCORT OFFICERS ENTERED INTO AGREEMENT TO FALSELY SIGN DC-141 PART 2-D WAIVER FORMS IN ORDER TO COVER-UP THEIR STATE LAW & CONSTITUTIONAL TRESPASSES WHERE MR. JONES WAS NEVER GIVEN ANY CHANCE TO SIGN SAID FORMS NOR WAS HE MADE AWARE THAT ANY MISCONDUCT HEARINGS WERE UNDERWAY.
- 83° ON APR. 6, 2016, MR. JONES ATTENDED A MISCONDUCT/DISCIPLINARY HEARING BEFORE DEFENDANT/TORT FEASOR ROBERT RICH AT SAID MISCONDUCT HEARING MR. JONES TOLD H.E. RICH THAT IN ORDER TO SWEAR HIM IN H.E. RICH NEEDED A NOTARY LICENSE H.E. RICH THEN STATED "I NEVER HEARD OF SUCH REQUIREMENT & PURSUANT TO P.D.C. RULES I'M AUTHORIZED" SUBSEQUENTLY H.E. RICH DISMISSED MR. JONES' MISCONDUCT WITHOUT PREJUDICE ON MAY 5, 2016 MR. JONES AGAIN PARTICIPATED IN A MISCONDUCT HEARING BEFORE H.E. RICH HOWEVER THIS TIME MR. JONES AFTER NOTIFYING H.E. RICH THAT HE NEEDED THE APPROPRIATE CREDENTIALS IN ORDER TO SWEAR HIM IN MR. JONES ATTEMPTED TO PRESENT H.E. RICH WITH COURT ORDERS & GOVERNING LAWS WHICH DICTATES WHO IS & MORE IMPORTANTLY WHO IS NOT ALLOWED TO ADMINISTER OATHS & AFFIRMATIONS H.E. RICH THEN BECAME IRATE/HOSTILE/BELLIGERENT & ORDERED THAT MR. JONES BE REMOVED FROM THE MISCONDUCT HEARING & H.E. RICH SUBSEQUENTLY SANCTIONED MR. JONES TO MORE TIME IN SOLITARY CONFINEMENT IN ABSENTIA.



N O T I O N

84. @ NO TIME DURING ANY OF THESE MISCONDUCT/DISCIPLINARY HEARINGS DID ALEX RICH POSSESS A VALID NOTARY COMMISSION WITH WHICH TO SWEAR MR JONES' TESTIMONIES INTO EVIDENCE @ SAID MISCONDUCT/DISCIPLINARY HEARINGS.

85. HOWEVER BOTH DEFENDANTS/TORT FEASORS: MARY CANINO & ROBERT RICH BOLDLY ADMIT THAT THEY LACK THE NECESSARY NOTARY COMMISSION THESE ADMISSIONS WERE MADE BY THESE DEFENDANTS/TORT FEASORS ON VISUAL/AUDIO VIDEO RECORDINGS WHICH HAVE BEEN SAVED FOR POSTERITY.

86. AFTER MR JONES' "MULTIPLE NOTIFICATIONS" TO DEFENDANTS/TORT FEASORS INFORMING THEM THAT WERE IN DIRECT VIOLATION OF HIS RIGHTS PER THE UNITED STATES CONSTITUTION & THE PENNSYLVANIA STATE CONSTITUTION IT WAS MR JONES' ASSERTION OF HIS RIGHTS THAT WERE THE "MOTIVATING FORCE" BEHIND DEFENDANT/TORT FEASOR: JOHN WETZEL'S ISSUING REVISED/NEW LANGUAGE ON MAY 20, 2015 AS AN IMMEDIATE CURTAILING/DETERING MEASURE TO DIRECTLY PREVENT MR JONES PRESENTING/EXERCISING A VALID CONSTITUTIONAL CHALLENGE @ HIS MISCONDUCT/DISCIPLINARY HEARINGS.

87. DEFENDANTS/TORT FEASORS: LEWIS, FULGINITI, WENGERMANS, & BICKELL ARE ALL FULLY AWARE THAT PODDUC SECRETARY JOHN WETZEL'S POLICY IS A DIRECT VIOLATION OF MR JONES CONSTITUTIONAL RIGHTS HOWEVER ALL OF THE FOREGOINGLY MENTIONED DEFENDANTS/TORT FEASORS HAVE COMMITTED ACTS & OMISSIONS WHEREFORE THEY ALL HAVE AGREED TO CARRY WETZEL'S "DE-FACTO PERMANENT BAN" INTO SYSTEMWIDE PRACTICE & CUSTOM.

## XIII LEGAL CLAIMS

88. CONSPIRACY — WHERE THE DEFENDANTS/TORT FEASORS MENTIONED THREE OUT PARAGRAPHS 5 (FIVE) — 23 (TWENTYTHREE) <sup>AND</sup> THAT THEIR ACTIONS/OMISSIONS WOULD AMOUNT TO &/OR HAVE LEGAL RAMIFICATIONS WHEN THESE DEFENDANTS/TORT FEASORS ENTERED INTO AGREEMENT(S) WHICH CAUSED MR JONES TO SUFFER 1<sup>ST</sup>, 5<sup>TH</sup>, 6<sup>TH</sup>, 8<sup>TH</sup> & 14<sup>TH</sup> AMENDMENT VIOLATIONS.

89°

CRUEL & UNUSUAL PUNISHMENT - WHERE THE DEFENDANTS/TORT FEASORS MENTIONED THRU-OUT PARAGRAPHS 5(FIVE)-23(TWENTY-THREE) KNEW THAT THEIR ACTIONS/OMISSIONS WOULD AMOUNT TO &/OR HAVE LEGAL RAMIFICATIONS WHEN THESE DEFENDANTS/TORT FEASORS KNOWINGLY SUBJECTED MR° JONES TO CRUEL & UNUSUAL PUNISHMENT

90°

FAILURE TO INTERVENE - WHERE THE DEFENDANTS/TORT FEASORS MENTIONED THRU-OUT PARAGRAPHS 5(FIVE)-23 KNEW THAT ACTIONS/OMISSIONS WOULD AMOUNT TO &/OR HAVE LEGAL RAMIFICATIONS WHEN THESE DEFENDANTS/TORT FEASORS KNOWINGLY FAILED TO STOP VIOLATIONS OF MR° JONES 1<sup>ST</sup> 5<sup>TH</sup> 6<sup>TH</sup> 8<sup>TH</sup> & 14<sup>TH</sup> AMENDMENT RIGHTS

91°

VIOLATION OF DUE PROCESS - WHERE THE FOREGOING DEFENDANTS/TORT FEASORS MENTIONED THRU-OUT PARAGRAPHS 5(FIVE)-23(TWENTY-THREE) KNEW THAT THEIR ACTIONS/OMISSIONS WOULD AMOUNT TO &/OR HAVE LEGAL RAMIFICATIONS WHEN THESE DEFENDANTS/TORT FEASORS ENGAGED IN MALICIOUS/WASTON GROSS NEGLIGENCE TO DEPRIVE MR° JONES OF ANY SEMBLANCE OF DUE PROCESS

92°

RETALIATION - WHERE THE DEFENDANTS/TORT FEASORS MENTIONED THRU-OUT PARAGRAPHS 5 - 23 KNEW THAT THEIR ACTIONS/OMISSIONS WOULD AMOUNT TO &/OR HAVE LEGAL RAMIFICATIONS WHEN THESE DEFENDANTS/TORT FEASORS ENGAGED IN CONDUCT AS A DISSUADING/DETERANT TO PREVENT MR° JONES FROM EXERCISING HIS CONSTITUTIONAL RIGHTS

93°

PENNSYLVANIA STATE TORT CLAIMS - WHERE ALL OF THE DEFENDANTS/TORT FEASORS MENTIONED IN PARAGRAPHS 5 - 23 KNEW THAT THEIR ACTIONS/OMISSIONS WOULD AMOUNT TO &/OR HAVE LEGAL RAMIFICATIONS WHEN THESE DEFENDANTS/TORT FEASORS ENGAGED IN MALICIOUS & GROSSLY NEGLIGENT CONDUCT WHICH CAUSED MR° JONES TO SUFFER INTENTIONAL & CONVERSION TORTS

94°

PECULIAR RISK & SUPERIOR KNOWLEDGE - WHERE ALL OF THE DEFENDANTS/TORT FEASORS MENTIONED THRU-OUT PARAGRAPHS 5 - 23 KNEW THAT THEIR ACTIONS/OMISSIONS WOULD AMOUNT TO &/OR HAVE LEGAL RAMIFICATIONS WHEN THESE DEFENDANTS/TORT FEASORS ENGAGED IN MALICIOUS & GROSSLY NEGLIGENT CONDUCT WHICH SUBJECTED MR° JONES TO UNNECESSARY RISKS & INDIFFERENT SUPERIORS WITH KNOWLEDGE OF SAID RISKS

95°

DEFAMATION - WHERE ALL OF THE DEFENDANTS/TORT FEASORS MENTIONED THRU-OUT PARAGRAPHS 5 - 23 - KNEW THAT THEIR ACTIONS/OMISSIONS WOULD AMOUNT TO &/OR HAVE LEGAL RAMIFICATIONS WHEN THESE DEFENDANTS/TORT FEASORS ENGAGED IN MALICIOUS & GROSSLY NEGLIGENT CONDUCT CAUSING MR° JONES TO BE DEFAMED

\* \* \*

## N O T I C E

\* \* \*

96°

MR° JONES IS IN THE PROCESS OF ACQUIRING A COPIES OF:  
THE U.S. DEPARTMENT OF JUSTICE REPORT CONDEMNING THE PADOE  
RESTRICTED HOUSING UNITS - R.H.U. - AS INHUMANE.

## XIII° MENTAL, PHYSICAL & EMOTIONAL INJURIES

97°

BECAUSE OF THE CONTINUED CUSTOMS PRACTICES ACTIONS & OMISSIONS BY THE DEFENDANTS/TORT FEASORS THROUGH THEIR FARCE, FRAUD & FICTITIOUS APPLICATION OF SANCTIONS AGAINST MR° JONES MR° JONES' MENTAL & EMOTIONAL HEALTH HAS BEEN EXACERBATED - HE WAS HOSPITALIZED TWICE IN UNDER 30 (THIRTY) DAYS FOR ATTEMPTED SUICIDE WHICH SAID SUICIDE ATTEMPT WAS CAUSED BY AUDITORY & VISUAL HALLUCINATIONS

98°

MR° JONES ALSO SUFFERS FROM IMMOBILIZING BACK PAINS DIZZINESS THYROID ILLNESS' PARANOLIA HEART PROBLEMS & AIRWAY CONSTRICTIONS / LOSSAGE OF BREATH



99° WHEREFORE MR. JONES PRO SE PLAINTIFF RESERVES THE RIGHT TO  
AMEND THIS COMPLAINT

100° MR. JONES NOW STATES THAT HE HAS NO ADEQUATE NOR COMPLETE REMEDY  
LAW TO REDRESS THE WRONGS DESCRIBED HEREIN MR. JONES HAS BEEN / IS BEING  
FOR YEARS NOW & WILL CONTINUE TO BE IRREPAIRABLY INJURED BY THE CONDUCT  
OF THE DEFENDANTS UNLESS THE COURT GRANTS THE DECLARATORY & INJUNCTIVE  
RELIEF WHICH MR. JONES SEEKS

#### XIV. PRAYER FOR RELIEF

101° WHEREFORE MR. JONES RESPECTFULLY PRAYS THAT THIS COURT ENTERS JUDGMENT  
GRANTING MR. JONES:

102° A DECLARATION THAT THE ACTS/OMISSIONS & MISUSES DESCRIBED HEREIN  
VIOLATED MR. JONES' RIGHTS UNDER THE CONSTITUTION & LAWS OF THE UNITED STATES

103° A PRELIMINARY & PERMANENT INJUNCTION ORDERING THE DEFENDANTS TO END  
THEIR USAGE OF CONSTITUTIONAL VIOLATING CUSTOMS & PRACTICES

104° COMPENSATORY DAMAGES IN THE AMOUNT OF \$ 75 000.00 AGAINST EACH DEFENDANT  
JOINTLY & SEVERALLY

105° PUNITIVE DAMAGES IN THE AMOUNT OF \$ 95 000.00 AGAINST EACH DEFENDANT

106° A JURY TRIAL ON ALL ISSUES TRIABLE BY JURY  
PLAINTIFF'S COST OF SUIT

107° ANY ADDITIONAL REMEDIES & RELIEFS THAT THIS COURT DEEMS JUST PROPER &  
EQUITABLE

DATE: MAY 13, 2016

RESPECTFULLY SUBMITTED,  
S. MARCELLUS JONES

### VERIFICATION

I, MARCELLUS J. JONES, HAVE READ THE FOREGOING COMPLAINT & HEREBY VERIFY THAT THE MATTERS ALLEGED THEREIN ARE TRUE CORRECT & COMPLETE EXCEPT AS TO MATTERS ALLEGED UPON INFORMATION & BELIEF AND AS TO THOSE I BELIEVE THEM TO BE TRUE, I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE & CORRECT.

EXECUTED @ LUZERNE COUNTY PENNSYLVANIA ON MAY 13, 2016

S. MARCELLUS JONES

### PROOF OF SERVICE

"I MARCELLUS J. JONES DO HEREBY CERTIFY THAT TRUE & CORRECT COPIES OF:  
REQUEST FOR EXTENSION OF TIME & AMENDED COMPLAINT" WAS SENT ON MAY 13, 2016 TO:

U.S. DIST COURT, JUDGE GERALD McHUGH  
2609 U.S. COURTHOUSE / ROOM 9B13  
601 MARKET ST / PHILA PA 19106

BY FIRST CLASS MAIL